

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:98-CR-00125-KDB-9**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERMAN LEE TATE,

Defendant.

ORDER

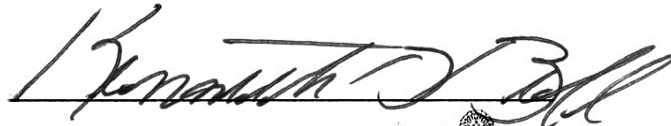
THIS MATTER is before the Court on Defendant Herman Lee Tate's Pro Se Motion for Trial and Sentencing Transcripts (Doc. No. 236) filed in 2007, Pro Se Motion to Produce Transcripts (Doc. No. 257) filed in 2008, and Pro Se Motion for Transcripts at Government Expense (Doc. No. 289) filed in 2013. In these motions, Defendant asks for transcripts at government expense to assist in his appeals.

The Court notes Defendant has already filed multiple appeals in his case, all of which have been denied. The Defendant currently has no other motions pending and has failed to demonstrate a particularized need for the requested transcripts. *See United States v. MacCollon*, 426 U.S. 317, 326-27 (1976) (holding that federal inmates are not entitled to transcripts at government expense absent some showing of a particularized need); *Jones v. Superintendent, Va. State Farm*, 460 F.2d 150, 152 (4th Cir. 1972) ("[A]n indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.") (citation omitted). Thus, the Court will not grant Defendant's requests for transcripts at government expense at this time.

IT IS THEREFORE ORDERED that Defendant's Pro Se Motion for Trial and Sentencing Transcripts (Doc. No. 236), Pro Se Motion to Produce Transcripts (Doc. No. 257), and Pro Se Motion for Transcripts at Government Expense (Doc. No. 289) are **DENIED**.

SO ORDERED.

Signed: February 10, 2020

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

